

Remarks/Arguments:

Applicants thank the Examiner for the opportunity to discuss the claims with him during an Interview in the USPTO on December 18, 2003. Applicants also thank the Examiner for his helpful suggestions in moving this application towards allowance.

Statement of the Substance of the Interview on December 18, 2003

As stated above, an interview was held between Examiner Callahan and Mr. Jack Jankovitz, Mr. Ono Yasuhide, Ms. Yuko Watanabe and Ms. Kyoko Hamakawa on December 18, 2003 in the USPTO.

The substance of the Interview and what was agreed upon is set forth in the Interview Summary PTO-413 provided by Examiner Callahan. Applicants now confirm that the Interview Summary is an accurate statement of the Interview.

Information Disclosure Statement (IDS)

As noted in the Interview Summary, Applicants gave the Examiner a complete English language translation of Japanese application, JP 5-234321. This Japanese application had previously been submitted, with only a translation of its Abstract, in an IDS filed on April 1, 2003. A copy of this IDS, with a stamped postcard receipt, is enclosed. The Examiner has not yet acknowledged this IDS. Applicants respectfully request that the Examiner now acknowledge the enclosed copy of this IDS (and the IDS given to the Examiner during the Interview that cites the complete English translation of JP 5-234321).

A copy of a second IDS, filed February 24, 2003, with a stamped postcard receipt, is also enclosed. As agreed during the Interview (but not noted in the Interview Summary PTO-413), Applicants will provide a complete translation of Japanese Official Action, dated November 19, 2002 for JP 2002-235948, which was cited in this second IDS, as soon as it is received from Japan. Applicants respectfully request that the Examiner also acknowledge this second IDS, after the Examiner receives the translation of JP 2002-235948, in accord with MPEP 609 III A(3).

A copy of a third IDS, with a stamped postcard receipt, filed on May 23, 2003 is also enclosed. This third IDS cites a document, entitled "NSM Storage- Jukebox and Storage

ABC". The Examiner had stated during the Interview, with respect to another related Reissue Application (No. 10/020,427) that he does not have a copy of this document. Applicants are, therefore, also enclosing a copy of this document with this third IDS. The Examiner has not acknowledged this third IDS. Applicants request that this third IDS be acknowledged by the Examiner.

Reissue Applications

There are other concurrent proceedings relating to U.S. Patent No. 5,761,301. A parent reissue application, **Application No. 09/588,364** is pending in the USPTO. In addition, six divisional reissue applications (all divisionals of '364) are currently also pending in the USPTO, as follows:

- 10/020,425
- 10/020,427
- 10/017,965
- 10/017,973
- 10/183,205
- 10/183,658

It is noted that one of these six pending divisional reissue applications is the present application (10/020,425). None of these six pending divisional reissue applications, nor the pending parent reissue application (09/588,364) is involved in any interferences, reexaminations, or litigations.

Substitute Declaration

The Examiner has objected to the previously submitted Substitute Declaration because it is a copy of another Substitute Declaration submitted in co-pending parent reissue application No. 09/588,364.

Applicants have now enclosed a new Substitute Declaration that more particularly states at least one error upon which this present application is based.

Double Patenting

Applicants have now enclosed a Terminal Disclaimer to overcome the double patenting rejection in the Office Action, with respect to co-pending application No. 10/020,427.

Conclusion

The application is now in condition for allowance with claims 31 and 32.

Respectfully submitted,

RatnerPrestia

Allan Ratner, Reg. No. 19,717
Jack J. Jankovitz, Reg. No. 42,690
Attorneys for Applicants

JJJ/fp/kc

Enclosures: Substitute Reissue Application Declaration
Terminal Disclaimer with copy of Assignment Recordation
Copy of IDS dated February 24, 2003 and return postcard
Copy of IDS dated April 1, 2003 and return postcard
Copy of IDS dated May 23, 2003 and return postcard

Dated: January 7, 2004

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on:

January 7, 2004